IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
CRIMINAL MISC.APPLICATION No 1555 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

@

VIJAYKUMAR CHANDULAL MODI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 1555 of 2001
MR BS PATEL for Petitioner No. 1-2
MRS RANJAN B PATEL for Petitioner No. 1-2
Mr. S.J. Dave, APP for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 2-3

CORAM : MR.JUSTICE M.H.KADRI

Date of decision: 24/08/2001

ORAL JUDGEMENT

1. Rule. Service of Rule is waived by the learned advocates appearing for the respective respondents. At the request of learned advocates for the parties, this application is taken up for final hearing today.

2. By means of filing this application under Section 482 of the Code of Criminal Procedure, the petitioners have prayed to quash first information report being C.R. No.I-6 of 2001 registered at Ankleshwar Police Station,

for the offences punishable under Sections 409, 464, 471, 477-A and 114 of the Indian Penal Code.

3. It is borne out that the petitioners and other persons named in the first information report had collected an amount of Rs.4878 towards Soldiers Fund from December 7, 1999 to January 12, 2001. It was the allegation of the complainant in the first information report that, even though amount of Rs.4878/- was collected, the petitioners and other persons named in the first information report as accused had deposited only Rs.4872/- with the Collector. On instruction taken from the Investigating Officer by the learned Additional Public Prosecutor, it is found that, in fact, the petitioners and other persons named in the first information report had deposited amount of Rs.4878/- with the Collector by Receipt No.605069 dated January 14, 2001. It appears that, due to some mistake, it was mentioned that amount of Rs.4872/- was deposited by the petitioners, but, in fact, Rs.4878/- were deposited by the petitioners and other persons named in the first information report. Therefore, due to some mistake, first information report came to be lodged with Ankleshwar Police Station. There is no misappropriation of funds by the petitioners, as alleged in the first information report. No ingredient of offence is made out in the first information report. In that view of the matter, the first information report (Annexure "A") is required to be quashed.

4. As a result of foregoing discussion, this application is allowed. The first information report being C.R. No.I-6 of 2001 registered at Ankleshwar Police Station, (Annexure "A") is quashed. Rule is made absolute.

August 24, 2001 (M.H. Kadri, J.)
(swamy)